

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Respondent,

-vs-

ANTONIO VASQUEZ-CORTEZ,

Movant.

NOS. CR-03-2236-WFN
CV-05-3025-WFN

ORDER

Pending before the Court is Movant's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (CR-03-2236; Ct. Rec. 26, CV-05-3025 Ct. Rec. 1). An evidentiary hearing was scheduled for January 30, 2006. The Movant, who is in custody, was present and represented by William Schuler, III and assisted by court-appointed interpreter Levi Enriquez; Assistant United States Attorney Robert Ellis represented the Government in place of Jill Bolton.

At the hearing, Mr. Schuler moved for the voluntary dismissal Mr. Vasquez-Cortez's § 2255 Motion. Mr. Schuler also submitted a Declaration signed by Mr. Vasquez-Cortez, in which Mr. Vasquez-Cortez stated that he agreed with the proposed action. The Government had no objection, but noted for the record that it was prepared to present evidence to rebut the allegations in Mr. Vasquez-Cortez's § 2255 motion. Accordingly,

IT IS ORDERED that Mr. Vasquez-Cortez's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, **CR-03-2236 Ct. Rec. 26 and CV-05-3025 Ct. Rec. 1**, is **DISMISSED without prejudice**.

1 The District Court Executive is directed to file this Order, provide copies to counsel,
2 and **CLOSE** file CV-05-3025.

3 **DATED** this 30th day of January, 2006.

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s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE